

### Condo Smarts

**Headline:** Selling your condo? Watch out for needless costs!

Topic: Buying/Rush fees

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**Dear Condo Smarts:** We sold our condo in Richmond in September and had a shocking surprise when we discovered that "strata documents" cost us \$600 in disbursements when we went to sign the documents at the lawyer's office. The reason we were given, was because the forms are necessary to transfer the title, the companies can charge whatever they want, and we just have to pay the price. Our agent basically advised us of the same thing. Well the deal was done with subjects remove as far back as mid July. Isn't there any law that prevents these types of charges. Ms. L. Rupani

**Dear Ms. Rupani:** Sellers need to be just as aware of the transaction process as buyers in a strata transaction. One of the documents that is required to transfer title and complete the sale is a Form F, Certificate of Payment. The certificate is required to ensure that a seller pays all their debts before or on completion of the sale. The strata council or management agent providing the documents must ensure that the accounts are up to date and that no outstanding strata fees, special levies due before the sale date, fines, or related costs are still owing. The seller is responsible for those costs. The only "strata document" that you require as the seller is a Form F. If the seller or seller's agent request the form in

advance and provide at least 7 days notice to the strata corporation or their agent, then the maximum cost that could be charged is \$15.00 plus 25 cents per page for copying. In your situation, the agent representing your sale may not have given sufficient time, and our office frequently hears of complaints where documents are literally requested the same day as the transaction of sale. Rush fees, those less than 7 days, range anywhere from \$25.00 to as high as \$800.00 for a complete package. Basically someone on a strata council or a management office needs to review the files and accounts to ensure the document is accurate. If it's the last day, they drop whatever they are doing to help the sale complete, but their obligation is only to provide it within 7 days. Strata agents must include in their management agreements with Strata Corporations, the fees that they are permitted to retain for transaction documents, including rush fees if any. Technically it is the strata corporation who is collecting the fee. Unless your agent has your consent, they may not have be authorized to incur the costs of rush fees on your behalf and you may have a reasonable claim for the rush costs. Contact your agent and your lawyer and find out who was responsible for the late request. The Form is valid for 60 days from the date it is issued, so there is no excuse for waiting to the last minute.

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